THE HON'BLE SRI JUSTICE V.V.S.RAO
AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION No.3480 of 2001

Dated:15.06.2007

Between:

Vanama Sreerama Murthy, S/o.Maridi Raju.

…Petitioner

and

State of A.P., rep.by its Secretary, Tribal Welfare, Secretariat Buildings, Hyderabad, and others.

…Respondents

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AND
THE HON'BLE SRI JUSTICE G.V.SEETHAPATHY

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ORDER: (Per the Hon'ble Sri Justice V.V.S.Rao)

The land admeasuring Acs.6.60 cents in Survey No.17/2 situated at Bodlanka Village of Addateegala Mandal in East Godavari District, is allegedly owned by the family of the petitioner. On a complaint lodged by the Special Deputy Tahasildar (Tribal Welfare), the third respondent initiated action under Section 3(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 (Regulation No.I of 1959), as amended by Regulation I of 1970 ('Regulation' for brevity) in L.T.R.P.No.416 of 1980. Be it noted, the said proceedings, which was filed against the father of the petitioner, namely, Vanama Maridi Raju, was dropped by order dated 20.08.1981. Again, some time in 1995 L.T.R.P.No.15 of 1995 was initiated. This time, it was against the mother of the petitioner, namely Vanama Kameswari. During the pendency of the same, she died, and therefore, the petitioner herein, who is the son of Maridi Raju and Kameswari, came on record as legal representative. Be that as it is, the third respondent passed orders dated 22.10.1996 after coming to the conclusion that the transaction between non-tribal and non-tribal took place after coming into force of Regulation I of 1970, and therefore, it is hit by the provisions of Section 3(1)(a) of the Regulation. Aggrieved by the same, the petitioner preferred an appeal, being C.M.A.No.9 of 1997, before the second respondent, who is

the Agent to the Government. By an order, dated 12.04.1998, the appeal was dismissed, against which, the petitioner filed a revision under Section 6 of the Regulation unsuccessfully. This Writ Petition is filed against the orders of the Government in G.O.Ms.No.2, dated 01.01.2001.

Learned Counsel for the petitioner pressed only submission that the order of the appellate authority and the revisional authority, being bereft of any reasons, are unsustainable in law. Though the matter was admitted in 2001, the respondents have not chosen to file a counter affidavit denying the petition averments or opposing the Writ Petition with reference to the grounds urged.

It has been well settled that every quasi judicial authority is bound to give reasons for the conclusions which prompted the exercise of the quasi judicial jurisdiction in one way or the other. Unfortunately, this aspect of the matter has been ignored. Indeed, it is now axiomatic that non-disclosure of reasons for a decision would violate principles of natural justice and such orders cannot be sustained. On this limited ground alone, we are of the considered opinion that the impugned order passed by the first respondent in G.O.Ms.No.2, dated 01.01.2001, confirming the orders of the lower authorities, is unsustainable. Accordingly, the impugned Government Order is set aside. We are also of considered opinion that the order of the second respondent in C.M.A.No.9 of 1997 is unsustainable, being devoid of any reasons, and the same is accordingly set aside, and the matter is remitted to the second respondent for at best disposal to consider the basic and vital questions in an enquiry under the Regulation, namely

1) whether the petitioner and his transferee are tribals or non-tribals?
2) whether the transfer of the land in the agency area was made after coming into force of Regulation No.I of 1959 as amended by Regulation I of 1970? and
3) whether for reasons contained in Section 3 of the Regulation, such transaction requires to be declared void duly ordering eviction of the non-tribal, who is in occupation of the land in the agency area?

It shall be open to the petitioner to produce additional evidence, if any. The second respondent should dispose of the matter after remand within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly allowed as indicated hereinabove. No costs.

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(V.V.S.RAO, J)

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(G.V.SEETHAPATHY, J)

15.06.2007
vs